

**MINUTES FOR SPECIAL MEETING OF THE
LPA/P&Z COMMISSION
JANUARY 19, 2005**

**MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING & ZONING COMMISSION
SPECIAL MEETING
JANUARY 19, 2005**

Members present: Matt Brown, Ben Tucker, Dudley Bates, and Walt Eismann

Members absent: Beth Hattaway, Richard Harris, Chris Dorworth

Also present: Alice Gilmartin, Principal Coordinator; Matt West, Planning Manager; Tony Matthews, Principal Planner; Tony Walter, Assistant Planning Manager; April Boswell, Senior Planner; Cathleen Consoli, Senior Planner; Dick Boyer, Senior Planner; Michael Rumer, Planner; Jeffrey Hopper, Senior Planner; and Candace Lindlaw-Hudson, Senior Staff Assistant

In the absence of the Chairman and Vice – Chairman, Commissioner Eismann made a motion to appoint Commissioner Tucker to serve as Chairman for this meeting.

Commissioner Eismann made a motion to accept the proof of publication.

Commissioner Brown seconded the motion.

The motion passed by a unanimous vote (4- 0).

A. Higher Intensity Planned Development-Airport Text Amendments; Seminole County; Applicant; Text Amendments to the Future Land Use and Transportation Elements of the SCCP relating to the Higher Intensity Planned Development-Airport Area. (05STXT01.1 through 05STXT01.4).

Countywide

Tony Matthews, Principal Planner

Mr. Matthews stated that in August 2003 the LPA recommended adoption of text amendments to Future Land Use Element Policy FLU 9.1, known as Orlando Sanford International Airport, for the purpose of ensuring compatibility between neighboring land uses and aircraft activity at the Orlando Sanford International Airport. Those amendments were subsequently approved by the Board of County Commissioners in December 2003.

The 2 primary reasons for these current amendments to Policy 5.8, HIP-Airport Permitted Uses and Locational Standards, Policy 9.1 and the HIP Airport Definition is to: 1) establish consistency among Plan policies of the County comprehensive plan adopted in 2003 and 2) continue to support development that is compatible with the operations and expansion of the airport.

Future Land Use Element Policy FLU 5.8 [Higher Intensity Planned Development-Airport (HIP-Airport) Permitted Uses and Locational Standards] and the Higher Intensity Planned Development-Airport Future Land Use Definition, currently allow for medium and high density residential uses and public schools in close proximity to the OSIA. In addition, the policy also provides for an area wide composite land use mix within the HIP-Airport area.

The staff recommendation was for approval of proposed text amendments, shown in Attachment A, to the Future Land Use Element of the Seminole County Comprehensive Plan, with findings found in "Additional Background and Findings".

Mr. Matthews stated that there were several persons present from the Airport and the City of Sanford.

Larry Dale, CEO of Orlando Sanford International Airport stated that in 1987 the County recommended a tri-party agreement between the City, the County, and the Airport, adopting a master plan for the airport and surrounding area. These plans were reviewed by the Department of Community Affairs. The text amendments presented tonight bring things into line.

Russ Gibson, Director of Planning and Development for the City of Sanford stated that the City has reviewed these amendments and concurs with them.

There was no further comment from the floor.

Commissioner Bates asked for an explanation of the word "avigation."

Larry Dale stated that it was a term for development within the traffic pattern of an airport. It puts people on notice that they live within the traffic pattern of the airport.

Commissioner Tucker, referring to page 4, section C-2, stated that he was a member of the Natural Lands Committee and was unaware of anything being done on Lake Jesup. In section D1-C, development must be timed with the extension of East Lake Mary Boulevard.

Mr. Matthews stated that the purpose of tonight's item was to support efforts for land purchases.

Larry Dale stated that the construction contract on the East Lake Mary Boulevard extension from 415 to Brissom Avenue has been bid on and a bid will be accepted on January 24 by the BCC. Construction begins in March and runs for 20 months.

Commissioner Tucker asked about section De(3). To whom were you referring to in dedicating the right of way?

Mr. Matthews stated that the reference was to the developer.

Commissioner Tucker reviewed section 5, stating that this section referred to any future development that goes on there.

Tony Matthews said that this section refers to mixed use development which was started in 1995 and adopted in 1997. Until the Lake Mary Boulevard extension is completed, no development will occur.

Commissioner Tucker asked about the aerial fire equipment, not related to the airport.

Mr. Matthews said that this is an urban service for the HIP area. In relationship with the JPA, an agreement was executed last year and approved.

Larry Dale said that the proposed language says that the cooperation and support will continue to be a tri-party agreement.

Commissioner Eismann made a motion to recommend transmittal of this item.

Commissioner Brown seconded the motion.

The motion passed 4 – 0.

B. Text Amendment and Exhibit Addition to the Future Land Use Element of the Seminole County Comprehensive Plan as Directed by the Home Rule Charter Amendment; Seminole County, applicant; Text Amendment to the Future Land Use Element of the SCCP to add text to the FLLU Issue 11 "Protection of Rural Areas" and add a new exhibit defining the Rural Area, the "Rural Boundary Map" and the "Legal Description for Rural Area" established in the 2004 Home Rule Charter Amendment approved by Seminole County voters on November 2, 2004; (05STXT.03).

Countywide
April Boswell, Senior Planner

April Boswell explained that the amendment is to include the rural boundary map, legal description, and a paragraph which explains why the boundary map and legal description are being added. Ms. Boswell explained that the County is moving forward with implementing the Charter Amendment because the County has appealed the judge's decision in the Winter Springs lawsuit.

Catherine Latore of 225 E. Robinson Street represents the City of Winter Springs. She stated that moving forward with this item while an appeal is being considered is inappropriate.

Linda Radun of Longwood stated that the majority of the residents voted to approve the Charter Amendment.

Commissioner Tucker stated that what is being considered tonight is about the map and paragraph only.

Jay Jurie of Sanford asked that this item be approved. He disagreed with the attorney who had just spoken (Ms. Latore).

No further comments were made from the floor.

The public hearing was now closed.

Commissioner Tucker asked if the commission was being asked to stamp that everything inside this boundary was rural. He asked the purpose of the map.

Ms. Boswell stated it was to identify the rural boundary, to define the County's rural area.

Commissioner Tucker asked how the word "rural" was to be defined.

Ms. Boswell stated that the County Comprehensive Plan included a definition.

Commissioner Tucker stated that some areas are mixed in character.

Matt West said that there are some areas that don't meet the definition. Some areas do not fit the definition of the A-3, A-5, and A-10 areas and are "grandfathered in." The Staff is not asking for verification that the area is rural. Staff is asking the Commission to implement the amendment as directed by the voters.

Commissioner Tucker said that agriculture zoning has been discussed before as to whether it was rural or agricultural. What is a development of 5 acre lots? If we are going to do a rural area, it ought to be defined in a manner that it can be protected. This is a political line arbitrarily drawn. He did not see how this is going to accomplish what we want accomplished. It does not serve the purpose of the community at large.

Commissioner Brown asked if this change a person's private home to a legal, non-conforming use because it is in the rural area. He was also concerned about limiting lot splits. Commissioner Brown questioned whether this was taking away individual's property rights.

Mr. West explained the procedure with lots splits and stated that this is not taking away property owner's rights. The Comprehensive Plan, created in 1991, has sections protecting existing legal lots of record.

Commissioner Brown said that the voters wanted this line.

Commissioner Tucker said that there are better planning ways to accomplish what we want to accomplish. This is not the best way.

Commissioner Brown agreed with the possibility of that and the question of property owner rights.

Commissioner Eismann made a motion to recommend approval.

Commissioner Brown seconded the motion.

The motion passed 3 – 1. Commissioner Tucker voted “no.”

**Special Workshop for the Land Planning Agency/
Planning and Zoning Commission
Evaluation and Appraisal Meeting
January 19, 2005**

Alice Gilmartin now opened the Workshop segment of the meeting.

Alice Gilmartin introduced the workshop segment of the meeting, stating that this workshop will provide feedback from Commission members and the public for the Evaluation and Appraisal Report (EAR) for the Vision 2020 Plan. Ms. Gilmartin stated that this presentation will review the elements of the Seminole County Comprehensive Plan, introduce the updating process of the EAR, identify issues to guide the update, and give an opportunity for sharing of information and ideas with the Commission and the public.

The Comprehensive Plan, which was developed in 1998, ensures livable community, manages growth, provides facilities and services for the citizens, protects the environment, and improves the quality of life for County citizens. It provides a community blueprint, giving us a vision of the community, and guiding us toward it. The Vision 2020 Plan responds to changing community priorities. It is flexible in that it is amended twice a year through public hearings. Changes are made to maps and text.

The Plan is reviewed every 7 years. Our EAR is due in September of 2006.

Our EAR document is due to Department of Community Affairs (DCA) on September 1, 2006. This check up will identify where actions have led to achieving planning objectives, help us learn from our successes and shortcomings, and will address immediate issues and changes at present. The Plan will change to achieve planning objectives, and respond to changing conditions. The EAR must address changes in state and regional growth management policies and recognize that County issues affect other communities. Our Comprehensive Plan should relate to other plans on the state level, on the regional level, and with the cities.

The first phase of the process will be completed around April, which will result in a letter of understanding between the DCA and the County which will be an agreement on the issues to be addressed. The EAR document should be completed by the end of the calendar year. This will be followed by a series of public hearings and revisions that will be completed in the summer of 2006. The final document will be done by September 1, 2006, as mandated by statute.

This meeting will begin the process by identifying issues and setting up an evaluation framework. Ms. Gilmartin stated that we are listening to citizens. Representatives of the some cities and agencies within Seminole County are present including Russ Gibson with the City of Sanford.

The evening will first address land use and environmental issues, then move into County services and facilities. After this meeting citizens can call, e-mail, or fax issues and questions to the planners. There will also be a special web page within the Seminole County website under Departments/Planning and Development/Planning/Vision 2020 Icon. Public input will be used to formulate the letter of understanding, which will in turn, be used to prepare the Evaluation and Appraisal Report.

Ms. Gilmartin opened the workshop to entertain comments on the Land Use and Environmental Issues areas which may include: conservation, design, housing, recreation and open space, transportation, economic issues, future land use, and implementation.

The second part of the input will address: County services and facilities issues including: capital improvements, library services, public safety, potable water, sanitary sewers, energy, and intergovernmental coordination.

Ms. Gilmartin concluded by thanking everyone who attended tonight's meeting.

Russ Gibson, Director of Planning and Development Services for the City of Sanford pledged to work on joint planning issues. He applauded the Board and the staff for listening to the community.

Art Woodruff of the Sanford City Commission reiterated what Mr. Gibson had stated. The City is ready to approve the Joint Planning Agreement with the County. He believes solving the Celery Avenue issues are very important.

Linda Radon lives in Lazy Acres in Longwood. She said that the area is a lovely area of 2 to 5 acre lots. Developers have been approaching landowners to buy the land and change the density. She wants to change the land use there to Suburban Estates to protect the density. She referred to a book by John Small that said that the aquifer was being destroyed by over development. There are areas off of Country Club Road and Markham Woods road that need protection. She requested that the areas such as those should be changed to Suburban Estates for future land use to protect them.

Commissioner Tucker asked if the land use in the Markham Woods area isn't already one acre lots.

Ms. Radon stated that future land use is Low Density and the zoning is Agricultural. Ryland Homes has bought 20 acres for development

Commissioner Tucker stated that zoning and future land use cannot supersede deed restrictions put on properties. That would be stronger than zoning.

Commissioner Brown stated that the more the citizens speak up about their area, the more valuable the land becomes. Keep coming to meetings.

Jay Jurie stated that the ad in the Orlando Sentinel did not reflect the two items that began this meeting. That constitutes false advertising. This makes public distrust of government.

Commissioner Brown stated that the items were continued to this meeting and properly heard.

Mr. Jurie stated that Seminole County is rapidly urbanizing with communities growing together. One cannot tell where one ends and another begins. The County can partner with cities to plan greenbelts which will be zones of separation between the cities and the County.

Commissioner Tucker pointed out that Commissioner Bates is a former Mayor of Altamonte Springs and that he and other commissioners are in communication with the cities.

Mr. Jurie said that the County should target lands for purchase to make buffers.

Adrian Zuidervliet of Lazy Acres Lane said that he voted for the urban rural boundary in November because of the Ryland Homes presence in the area. Once land is annexed into Longwood development ruins an area. There will be 49 homes on 24 acres. The people need protection to make the area suburban estates. Centex has approached homeowners on Lazy Acres Lane to buy the land for development.

Tom Alderson referred to a 20 acre parcel that was denied rezoning by the County. That parcel is now annexed into the City of Longwood. He stated that a letter from December 3, 1997 to Carl Goslin, then City Planning Manager, from Commissioner Randy Morris said the Board directed the City to keep one acre lots. The Board feels that one acre lots are compatible. Once the land was in the City, there will be 50 houses off of Lake Emma Road. There will be horse pastures next to homes. The land is open, with no fencing. The development parcels are higher and will make the pasture land a retention pond. Roads in the area are insufficient. He fears that the suburban residents will use the dirt roads. Even now the fragile dirt roads are being used by 4 wheelers and bikes for recreation paths. Mr. Alderson said that he wanted to protect the rural life style. He wants to see the best way to protect the rural life style.

Commissioner Tucker asked if Mr. Alderson wanted the area to be Suburban Estates.

Mr. Alderson said that is what he wants.

Robert Ninengel of 1839 Ranch Land Trail wanted to know how the land use changes occur? What protection do the citizens have from developers? How can the land be kept rural. His deed restrictions stated that lots must be a minimum of 150 feet wide on the road.

Peggy Green stated that under agriculture land zoning hunting is not a permitted use. Her family owns 720 acres (Big Oaks Ranch) and she said that classes on the property are limited to 12 people at a time. If she is allowed to have 12 hunters on the property, it is maxed out. She gives safety classes. They perform agri-entertainment, combining agriculture and entertainment.

Robert King of 2211 Black Hammock said that in 1990 growth management had "teeth." There was a lot of hope that the people would be going in the right direction. Now we have a shell of the process. The land use and roads are tied. The 417 roadway was a regional impact. There was a CREEP Committee in 1990 which said that the Winter Springs comprehensive plan was not good and should not be approved; it was sent on with reservations to the DCA. The Winter Springs comprehensive plan was eventually approved by the DCA. Today the Regional Planning Council is not guarding the land; who is overseeing the disputes between the cities and the county? There was supposed to be one comprehensive land use map adopted for use by all cities and the county. Voters want a clear, sharp line. He lives on the line. We need a rural area. If you change land under the guise of individual property rights, you diminish the quality of life and property rights for the others. Please continue to fight. Get the Regional Planning Council to say "no" to changes in land use and density. The cities must see the County as an entity to be dealt with.

Commissioner Tucker pointed to upcoming legislation which will deal with this.

Danny DeCiryran of 581 Silk Tree Circle stated that as a result of the North Lake Jesup Woods Community Association invitation to Randall Arndt, Mr. Arndt stated that he was confused by the necessity to frequently change the Comprehensive Plan. Changes can be made through zoning. Frequent changes limit the effectiveness of the plan. Stand by the Plan as a long range document.

Commissioner Tucker stated that Mr. Arndt said that other comprehensive plans were more sweeping and general than the Seminole County Plan. Our plan has many more fine points. Infill is the greatest challenge coming.

Mr. DeCiryran said it is important for the public to participate.

At this time there was a brief recess.

Following the recess, part two of the discussion was held, addressing County Services and Facilities.

No public comment was made.

Ms. Gilmartin asked for input from the Commissioners.

Commissioner Tucker said that he would like to look at how joint agreement with cities can be coordinated on controlling annexation due to a need for water and sewer. City of Casselberry offers water and sewer, but with a 25% surcharge. We should look into this.

Ms. Gilmartin answered the first question from the public. The process for changing the future land use is done through the state twice a year. Individuals or developers can request the change. The requests go to the Planning and Zoning Commissioner and the Board of County Commissioners before being transmitted to the state. There is then an adoption process. All of this takes time: 6 to 9 months. The County can administratively change land use using the same process.

Commissioner Brown pointed out that the airport was administratively changed.

Ms. Gilmartin addressed the last question as to how the homeowners from annexation.

Commissioner Brown said that facilities were an issue. It all goes back to water.

Ms. Gilmartin explained that the County has identified service areas for water and sewer in the Comprehensive Plan.

Commissioner Tucker said that the County is attempting to make a master plan for all users for water use. Other sources will be explored. We are a relatively small county and should be able to do that.

Robert Ninengel said that citizens were being overrun by developers.

Commissioner Tucker said that there was nothing the County could do about that. It is a private issue.

Ms. Gilmartin stated that state laws tend to favor the cities in terms of annexation.

A member of the audience asked why land use can change when a parcel is annexed into a city.

Ms. Gilmartin stated that the County loses the right to hold jurisdiction over the land when it is annexed.

Commissioner Tucker said that the County changed in 1917 because of differences with Orange County.

Commissioner Brown asked if we could not delineate a vehicle to make future land use along Markham Woods Road the way the citizens want it.

Ms. Gilmartin said that citizens can control the land through deed restriction.

Another audience member said that he could see metro Orlando going out 50 miles in the future.

Commissioner Brown said that citizens need to make deed restrictions, which run with the land.

Commissioner Tucker stated that the County just finished 2 large scale land use amendment on Celery Avenue and Myrtle Street. The citizens can go to their district county commissioner to initiate land use change administratively.

An audience member commented that growth is like a skin cancer. Once it starts it is hard to stop. He quoted the Governor of Oregon who invited people to visit, but not to stay.

The meeting was adjourned at 9:20 P.M.

**MINUTES FOR REGULAR MEETING OF THE
LPA/P&Z COMMISSION
MARCH 2, 2005**

MINUTES FOR THE SEMINOLE COUNTY
LAND PLANNING AGENCY/PLANNING AND ZONING COMMISSION
WEDNESDAY, MARCH 2, 2005

Members present: Matt Brown, Richard Harris, Beth Hattaway, Chris Dorworth, Ben Tucker, Walt Eismann, and Dudley Bates.

Also present: Tony Walter, Assistant Planning Manager; Dan Matthys, Director of Planning and Development; Jeffrey Hopper, Senior Planner; Tina Deater, Senior Planner; Cynthia Sweet, Planner; Rebecca Hammock, Principal Planner; Denny Gibbs, Planner; Michael Rumer, Planner; Tom Radzai, Senior Engineer; and Candace Lindlaw-Hudson, Senior Staff Assistant.

The Chairman called the meeting to order at 7:00 P.M. All members of the Commission were present. Chairman Tucker reviewed the procedures used in conducting the forthcoming meeting.

Commissioner Dorworth made a motion to accept the proof of publication.

Commissioner Bates seconded the motion.

The motion passed unanimously.

Commissioner Eismann made a motion to accept the minutes for the last meeting as submitted.

Commissioner Brown seconded the motion.

The motion passed unanimously.

TECHNICAL REVIEW ITEMS:

A. Wekiva Centre II; Mayo Graham, Applicant; approximately 1.52 acres; Preliminary Site Plan approval for a 19,200 square foot office zoned OP (Office Professional District); located at 385 Wekiva Springs Road.

Commissioner Van Der Weide – District 3
Rebecca Hammock, Principal Planner

Rebecca Hammock introduced the application for a preliminary subdivision plan on the property zoned OP (Office Professional District) with a future land use of Office. She stated that the property had been rezoned in 1983. This site plan is substantially different from the original site plan submitted with the rezone. The current plan will have 19,200 square feet of office space on 1.52 acres, with cross-access with the adjacent complex. Staff recommendation was for approval.

Commissioner Harris made a motion to recommend approval.

Commissioner Hattaway seconded the motion.

The motion passed unanimously (7 – 0).

B. Old Lockwood Road PSP; Al Ghandour, Applicant; approximately 9.86 acres; Preliminary Subdivision Plan approval for a single family subdivision with 26 lots zoned R-1A (Single Family Dwelling District); located on the west side of Old Lockwood Road, 0.5 mile north of McCulloch Road.

Commissioner Dallari – District 1
Cynthia Sweet, Planner

Cynthia Sweet introduced the application for a preliminary subdivision plan approval for 26 single family lots on 9.86 acres zoned R-1A (Single Family Residential District). Staff recommendation is for approval.

Commissioner Eismann made a motion to recommend approval.

Commissioner Brown seconded the motion.

The motion passed unanimously (7 – 0).

C. Amber Lake Townhomes (PSP); Legacy Investments, LLC, Applicant; Approximately 9.68 acres; Preliminary Subdivision approval for 86 townhome units, zoned PUD; Sr 434, east of U.S. Highway 17-92.

Commissioner Morris – District 2
Denny Gibbs, Planner

Denny Gibbs introduced the request for preliminary subdivision plan for Amber Lake Townhomes in the Sunlake Planned Unit Development. The site is 9.68 acres and will have 86 lots. Staff recommendation is for approval.

Commissioner Brown made a motion to recommend approval.

Commissioner Harris seconded the motion.

The motion passed unanimously.

PUBLIC HEARING ITEMS:

D. Jackson Street Rezone; Forrest Jackson, Applicant; approximately .21 acres; Rezone from R-1(Single Family Residential) to R-2 (Multi-Family Residential District); located on the west side of Jackson Street approximately 2,200 feet north of the intersection of Jackson Street and S.R. 436 in Altamonte Springs. (Z2005-001)

Commissioner Henley – District 4
Michael Rumer, Planner

Michael Rumer introduced the request by Forrest Jackson to rezone from R-1 (Single Family Dwelling District) to R-2 (Multi-family Dwelling District). Mr. Rumer stated that the surrounding properties are zoned R-1. The nearest R-2 parcel is 330 feet away. The trend of development in the neighborhood is single family dwellings. Staff recommendation is for denial.

Quentin Freeman spoke on behalf of his grandfather, stating that Mr. Jackson has owned the property for 20 years. Surrounding is vacant or rundown properties. This building will be an enhancement to the neighborhood. There is multi-family use only 300 feet away. Mr. Freeman stated that this is a double lot. Family members may be living here.

Commissioner Tucker asked if the building will be used for renters.

Mr. Freeman stated that he lives in Orlando, but that he could be moving there.

Commissioner Brown asked how many other duplex units were in the neighborhood.

Mr. Freeman stated that there are at least 4 duplexes in the area.

Commissioner Hattaway stated that she had visited the site. There is multi-family usage in the area. The request is reasonable.

Commissioner Eismann asked if the requested use will meet the Land Development Code criteria.

Mr. Rumer stated that it would. The code calls for a minimum of 1,400 square feet dwelling space, with 700 square meet minimum per side.

Mr. Freeman showed a diagram of the potential house.

No one spoke from the audience.

Commissioner Harris questioned the logic in recommending denial of this project.

Mr. Rumer explained that the plat has 50-foot lots which allow R-1BB (Single Family Dwelling District) zoning. This would be putting R-2 (Multi-family Dwelling District) zoning in the middle of single family zoning. Allowing R-2 zoning here would change the trend of development.

Commissioner Tucker stated that the map of homesteaded lots indicates owner-occupied single family dwellings in the area. Rental units and homesteaded single family homes tend to have a difference. There is a pride of ownership. The homes are older homes. There are single family detached homes to the east. Vacant lots will become duplexes. We will be opening up a string of rental properties if we approve this request.

Commissioner Dorworth disagreed. He stated that there is a community feeling here. The duplex would not diminish the neighborhood.

Commissioner Dorworth made a motion to recommend approval.

Commissioner Harris seconded the motion.

Commissioner Tucker stated that this will have an adverse impact.

The motion passed by a vote of 6 – 1 with Chairman Tucker voting “no.”

E. Arletta Street Rezone; Hugh Harling, Applicant; approximately 5 acres; rezone from A-1 (Agriculture) to C-3 (General Commercial and Wholesale District); located on the north side of Arletta Street, approximately 0.3 mile east of SR 434. (Z2005-007)

Commissioner Van Der Weide – District 3
Jeff Hopper, Senior Planner

Mr. Hopper stated that the request is for a change from A-1 (Agriculture District) zoning to C-3 (Commercial District) zoning. The parcel has an Industrial future land use designation. The site is an existing greenhouse facility. There is an existing commercial site to the north. This property will be an expansion of the existing commercial use adjacent to the site which is for RV storage. The greenhouse will be removed and the site will be covered with a stabilized surface suitable for parking. Site plan approval will address issues such as access,

drainage, buffering and outdoor lighting subsequent to the rezoning. Staff recommendation is for approval.

Commissioner Tucker asked about the extension of the road.

Mr. Hopper stated that Mr. Harling would address that issue.

Hugh Harling stated that he concurred with the staff comments. Gateway Drive is part of an extension that services the shopping center immediately to the west. It will be extended along Arletta Street to Keller Road which will tie into Maitland Boulevard as part of an Altamonte Springs project. He is working with the City of Altamonte Springs on the alignment to have good traffic conditions in the area.

Commissioner Tucker asked if there will be a 4 lane divided roadway.

Mr. Harling said that it would be.

Commissioner Tucker asked if the section of Keller Road that runs by the Altamonte Springs sewer plant would be expanded.

Mr. Harling said that the City is developing a professional center east of the sewer plant.

Commissioner Harris asked if it was intended that this area extending down to SR 434 be annexed into the City. The area north of Maitland Boulevard would be developed into a large complex of professional and commercial uses which would be an extension of Maitland Center.

Mr. Harling said that it is a matter of speculation at this time. He could not say. Across the street, the property is already in the City. This is an island of non-city land. There are some residential uses. The City has purchased the existing utilities. Annexation is a matter of speculation.

Commissioner Harris asked if this is part of the long-range plans for the area.

Mr. Harling stated that it is part of the long range plans for both the City and the County. They both have the same plans for the area as far as land use and compatibility goes.

Earl Mike of 784 Arletta Street has lived in the area since 1961. He concurs with the C-3 rezoning. He has concerns with the changes in the roads in the area. Residents do not know what is going on. It is hard to find out. He needed the information that was given out tonight. He was concerned about the development of Arletta Street.

Chairman Tucker said that the details will be worked out in site plan approval.

Mr. Mike said that his land is south and west of the subject site. He had previously been quoted a low price for his land. He is encouraged with this development, since the value of his land is going up.

Commissioner Tucker said that the access to the site will be to the south.

Mr. Mike said that he and his neighbors ask for the recommendation of approval.

Mr. Harling stated in closing that the trees that had been removed in the area had been taken down in order to lay fiber-optic cable. The work was unrelated to his project.

Commissioner Harris made a motion to recommend approval.

Commissioner Bates seconded the motion.

Commissioner Hattaway stated that the property owner is a family member, but she has no personal or financial interest in the application.

The motion passed unanimously (7 – 0).

F. Bill Heard Chevrolet PCD Major Amendment; Jennifer Eden, Applicant; Major Amendment to the Bill Heard Chevrolet PCD (rezone from PCD (Planned Commercial Development District) to PCD (Planned Commercial Development District) on approximately 25.0 acres, generally located on the north side of SR 46 between Oregon Street and Interstate 4. (Z2005-012)

Commissioner Carey – District 5
Tina Deater, Senior Planner

Tina Deater introduced the Bill Heard Chevrolet PCD Major Amendment and approval of Addendum #2 to the Bill Heard Chevrolet Planned Commercial Development Developer's Commitment Agreement. The subject property contains approximately 25.0 acres, and is generally located on the north side of SR 46 between Oregon Street and Interstate 4.

The applicant requests a Major Amendment to the Bill Heard Chevrolet Planned Commercial Development (PCD), in order to allow the use of outdoor sound amplification devices. Currently the PCD Developer's Commitment Agreement that was approved on December 14, 1999, prohibits the use of outdoor sound amplification devices.

Bill Heard Chevrolet was given a verbal citation by Seminole County Code Enforcement on March 1, 2004 for using an outdoor sound amplification system.

Code Enforcement inspection reports indicate that the auto dealership continued using the outdoor sound amplification system, and on September 23, 2004 it was ordered by the Code Enforcement Board that the, "Respondent cease and desist the use of the outdoor sound amplification device until an amendment to the Development Order is approved. If an amendment to the Development Order is not approved, remove all outdoor amplification devices by January 7, 2005. If the Respondent fails to comply with section (2) of this Order, a fine of \$250.00 per day will be imposed for each day the violation continues or is repeated." As of the date of the writing of this report, Bill Heard Chevrolet is still accruing a \$250.00 a day fine for continuing to use an outdoor sound amplification system. Bill Heard Chevrolet was scheduled to go before the Seminole County Code Enforcement Board again on February 24, 2005 and the County was requesting issuance of an order imposing a \$11,500.00 lien be placed upon the property due to unpaid fines. This item was withdrawn from that agenda by the Code Enforcement Officer because of a possible conflict of interest by two board members and will be rescheduled on a future agenda. As a result of the code enforcement action, the applicant proposes to amend the Developer's Commitment Agreement as shown in the draft Addendum #2 in the agenda package. Staff's analysis of the request has determined that the Bill Heard Chevrolet PCD is located in an area with an increasing residential population. There is a second phase of the Dunwoody townhouses to the west currently under site plan review. There is also a townhouse project proposed to the north that is currently undergoing a large scale land use amendment and rezoning. Staff's opinion is that the permanent use of outdoor sound amplification devices is not compatible with the residential nature of the surrounding properties. Therefore, staff recommends denial of the proposed PCD amendment and the proposed Addendum #2 to the Bill Heard Chevrolet Planned Commercial Development Developer's Commitment Agreement.

Jennifer Eden spoke on behalf of Bill Heard Chevrolet. She stated that the dealership had been cited in March of 2004 for use of the outdoor amplification system. The system was deactivated on August 14, 2004. This dealership covers a large area. The Land Development Code says that no outdoor amplification of sound is allowed after 11 P. M. She would like to have use of the system from 10 A.M. to 5 P.M. She wanted to know if there were any parameters in which the outdoor use of sound would be allowed during regular business hours.

No one spoke from the audience in favor of the application.

Tina Demostene of Glatting Jackson (33 E. Pine St., Orlando, FL) represented Pulte Homes. She stated that she agreed with staff recommendation for the denial of the request to allow sound amplification. She represents the homeowners association and has received many complaints concerning the sound coming from the car dealership. When the PCD was approved it was approved with no outdoor amplification. That should remain.

Commissioner Tucker asked if Glatting/Jackson had represented the Cadillac dealership in their application.

Ms. Demostene stated that Shutts and Bowen had handled that application.

Commissioner Brown asked Ms. Eden why the dealership wanted outdoor amplification of sound.

Ms. Eden stated that the site was large and had 4 buildings.

Commissioner Brown asked if they had tried text messaging and use of e-mail, and other technologies.

Commissioner Hattaway observed that the Code violations had been for loud music.

Ms. Eden stated they had tried other technologies and had found them cumbersome. She stated that there had been no citations since August 5. The sound was music which had been played by an employee on a weekend. That was an extraordinary event. She would like sound in the future to be used only for business purposes. In the past, some such uses have been allowed.

Commissioner Tucker asked about the decibel level to be used. Had any sound studies been done?

Ms. Eden stated that the Code says it must be of a reasonable level. She did not know the decibel level. She had checked previous applications of other dealerships and some had been allowed to have outdoor sound. She did not see any decibel level in the Code.

Ms. Deater said that there was no actual decibel level in the Code. The Code stated that the definition of a noise disturbance is on that may be 1)harmful or injurious to the health, safety, or welfare of any individual, or 2) unreasonably interferes with enjoyment of life, quiet, comfort, or outdoor recreation of an individual of ordinary sensitivity and habits or 3) endangers or injures one's real or personal property.

Commissioner Brown noted that there is such a thing as a special event permit for one time events with sound.

Ms. Deater agreed and stated that such applications were approved by the Board of County Commissioners.

Commissioner Tucker noted that he had used a sound meter at another car dealership and had noted a 100 decibel level of sound.

Ms. Eden stated that the Heard dealership sound system can be calibrated.

Commissioner Tucker noted that a factory has a decibel level of 80, for an orchestra, a level of 90. This dealership is within a quarter mile of homes. Sound was an issue with the application for amplified sound at a restaurant next to BJ's Wholesale Club. He cannot vote to approve this.

Commissioner Harris stated that the owner had signed an agreement which included the specific exclusion of use of sound. The owner then invested in a sound system, in violation of the agreement. The money could have been spent on a paging system, which would not disturb the neighbors.

Commissioner Harris made a motion to recommend denial of the request.

Commissioner Brown seconded the motion. He stated that there is no reason to have this, with the technology available today.

The motion to deny passed unanimously (7 – 0).

At this time Dan Matthys, newly appointed Director of Planning and Development, came forward to introduce himself to the Board.

There being no further business, the meeting was adjourned at 8:00 P.M.

Respectfully submitted,

Candace Lindlaw-Hudson